

House Bill 1129

By: Representative Benfield of the 85th

A BILL TO BE ENTITLED

AN ACT

1 To amend Part 2 of Article 4 of Chapter 5 of Title 28 of the Official Code of Georgia
2 Annotated, relating to claims against the state or departments or agencies of the state, so as
3 to provide that certain awards to persons for wrongful incarceration shall not constitute a
4 payment which is treated as ordinary income; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 2 of Article 4 of Chapter 5 of Title 28 of the Official Code of Georgia Annotated,
9 relating to claims against the state or departments or agencies of the state, is amended by
10 inserting at the end thereof the following:

11 "28-5-87.

12 An award made pursuant to this part to compensate a person for wrongful incarceration
13 shall not constitute a payment which is treated as ordinary income under either the
14 provisions of Chapter 7 of Title 48 or, to the extent lawful, under the United States Internal
15 Revenue Code."

16 **SECTION 2.**

17 All laws and parts of laws in conflict with this Act are repealed.